

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NANCY ALANIS,

Plaintiff,

VS.

U.S. BANK NATIONAL ASSOCIATION, as Successor Trustee to BANK OF AMERICA, NATIONAL ASSOCIATION, As Successor by Merger to LASALLE BANK, N.A. As Trustee for THE MLMI TRUST SERIES 2006-HE6; and NATIONSTAR MORTGAGE, LLC d/b/a MR. COOPER, PHH MORTGAGE CORPORATION, Successor by Merger to Ocwen Loan Servicing, LLC; OCWEN LOAN SERVICING, LLC; WELLS FARGO BANK, N.A.; MARK D. CRONENWETT; and MACKIE WOLF ZIENTZ & MANN, PC as Debt Collector,

Defendants.

CIVIL ACTION NO. SA-23-CV-749-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge filed on February 25, 2025 (docket #171), and Plaintiff's Objections filed on March 24, 2025 (docket #179).

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires *de novo* review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a *de novo* review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1987).


In the Report, Magistrate Judge Bemporad recommends to this Court that: (1) the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendants U.S. Bank National Association and Nationstar Mortgage LLC (Docket Entry #101) should be granted and all of Plaintiff's claims be dismissed with prejudice on the basis of res judicata; (2) the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendant Mark Cronenwett (Docket Entry #102) should be granted and all of Plaintiff's claims be dismissed with prejudice on the basis of res judicata; and (3) the Motion for Judgment on the Pleadings filed by Defendants Wells Fargo Bank, National Association and PHH Mortgage Corporation which is construed as a Motion to Dismiss pursuant to Rule 12(b)(6) (Docket Entry #124) should be GRANTED and Plaintiff's claims dismissed with prejudice on the basis of res judicata.

The Court has reviewed the Plaintiff's objections and has conducted a de novo review of those issues raised by the Plaintiff. The Court finds, after careful consideration of the record and the Report and Recommendation, that the Plaintiff's objections lack merit and are overruled. Therefore, the Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation (docket #171) and finds the recommendation should be accepted such that: (1) the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendants U.S. Bank National Association and Nationstar Mortgage LLC (Docket Entry #101) is

GRANTED; (2) the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendant Mark Cronenwett (Docket Entry #102) is GRANTED; and (3) the Motion for Judgment on the Pleadings filed by Defendants Wells Fargo Bank, National Association and PHH Mortgage Corporation (Docket Entry #124) construed as a Motion to Dismiss pursuant to Rule 12(b)(6) is GRANTED such that all of Plaintiff's claims asserted against these Defendants are barred by res judicata and therefore are DISMISSED WITH PREJUDICE.

It is so ORDERED.

SIGNED this 26th day of March, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE